

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: April 30, 2010

JUDGE
LEONARD DAVIS

COURT REPORTER
Judy Werlinger

Law Clerks: Natalie Alfaro

SOVERAIN SOFTWARE, LLC vs. NEWEGG, INC. LTD	CIVIL ACTION NO: 6:07-CV-511 Jury Trial - Day 5
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ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANTS
Kenneth Adamo (Jones Day) Tom Giannetti (Jones Day) Barry Satine (Jones Day) Clark Craddock (Jones Day) Carl Roth (Roth Firm) Michael Smith (Siebman Reynolds) Katherine Wolanyk - Client Representative	Dick Sayles (Sayles Werbner) Mark Strachan (Sayles Werbner) Kent Baldauf (The Webb Lawfirm) Dave Hanson (The Webb Lawfirm) Claudia Frost (Pillsbury Winthrop Shaw Pittman) Lee Cheng (Newegg) Mira Wolff (Newegg)

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 am

ADJOURN: 4:00 pm

9:00 am	Trial resumed. Jury not present in the courtroom.
	Court addressed the parties and has granted the Soverain's JMOL on obviousness and denied as to anticipation. The Court will submit the issue of anticipation to the jury.
	Court addressed the parties on the charge and changes to the charge.
	Mr. Adamo addressed the Court on how to proceed with his closing on obviousness. Court asked him not to mention it. Mr. Adamo will need a few minutes to go through his closing slides.
	Mr. Sayles addressed the Court and tendered Defendant's Exhibit List #3 , which includes Defendant's Exhibit #516 , and without objection, this exhibit admitted.
9:07 am	Court in recess for 5 minutes for attorneys to get their presentations in order to conform with the rulings of this morning.

DAVID J. MALAND, CLERK

FILED: 4.30.2010

BY: Rosa L. Ferguson , Courtroom Deputy

9:20 am	Trial resumed.
	Mr. Adamo addressed the Court and expressed gratitude for the time to get their slides in order.
	Court addressed the parties on Exhibits and the lists they have prepared for the Jury will be marked as their Final Exhibit List and these are the exhibits that are in agreement for the jury to have. Without objection, the exhibits listed on these lists admitted and will be tendered to the jury.
	Court asked for the jury to be brought in.
	Jury seated in the courtroom. Court welcomed the jury back.
	Court addressed the Jury and gave a brief outline of the procedure today.
	Court gave the Jury its charge.
10:20 am	Court in recess until 10:40 am
10:40 am	Trial resumed. Jury seated in the courtroom.
	Mr. Adamo presented closing arguments to the Jury on behalf of Plaintiff Sovereign.
	Mr. Sayles presented closing arguments to the Jury on behalf of Defendant Newegg.
	Mr. Adamo presented rebuttal argument to the Jury.
	Court addressed the Jury and gave them instructions on deliberations.
12:50 pm	Court excused the Jury to commence deliberations.
	Court addressed the parties. Court complemented the parties on a well-trying case.
12:50 pm	Court in recess awaiting the jury's verdict.
1:40 pm	Court received Jury Note #1.
1:45 pm	Jury advised Court Security Officer that it was no longer an issue.
1:50 pm	Jury Deliberating.
3:20 pm	Court received Jury Note #2.
	Trial resumed. Court addressed parties on Jury Note #2 and indicated its response back to the Jury. Mr. Sayles does not object and requested that the Court add that the jury should refer to the Court's charge.
	Response tendered to the Jury.
	Court asked to see counsel at bench for an off the record discussion.
3:30 pm	Court in recess awaiting verdict.
3:45 pm	Jury advised they have reached a verdict.
	Trial resumed. Jury not present in the courtroom.
	Court addressed the parties.
	Court asked jury to be brought in. Jury entered and seated in the courtroom.
	Court asked for Verdict to be tendered.

	Court asked Clerk to read the verdict. Verdict read by the Clerk. Court inquired as to whether the parties wished to have the jury polled. Mr. Adamo asked that the jury be polled. Jury polled.
	Court thanked the jury and gave them some further instructions.
	Jury excused to the jury room where someone will come in and
	Court addressed the parties and Court set some deadlines. Post Verdict motions due 5.24.10; Responses due 06.07.2010; Replies due 06.14.2010; and Sur-replies due 06.21.2010. Court sets all post verdict motions for hearing on Tuesday, June 29, 2010 at 9:00 a.m. Court discussed page limitations and it will be in the Court's order which will be filed. .
	Court encouraged the parties to settle and contact Mike Patterson and by May 24 th mediate this case again.
	Mr. Cheng addressed the Court.
	Mr. Adamo asked for clarification on the damages amount.
4:00 pm	There being nothing further, Court adjourned.